



OFFICE OF THE SECRETARY OF STATE

PO BOX 202801
HELENA MT 59620-2801
www.sos.mt.gov
(406) 444-2896
(406) 444-3976 (FAX)
(406) 444-9068 (TTY)

Linda McCulloch
Secretary of State

**Montana Secretary of State Linda McCulloch's Testimony on S.J. Res. 7 and H.J. Res. 21
Constitutional Amendment Concerning Senate Vacancies
Senate Judiciary Committee: Subcommittee on the Constitution**

Mr. Chairman and distinguished Members of the Committee, I thank you for the opportunity to submit written testimony on behalf of the Montana Secretary of State's Office regarding Senate Joint Resolution 7/House Joint Resolution 21, "A joint resolution proposing an amendment to the Constitution of the United States relative to the election of Senators."

As the chief elections official for the great State of Montana, I strongly support any measure that strengthens a Montanan's fundamental right to directly elect those individuals charged with representing our state in the United States Congress.

However, as recent events from other states have shown, the current appointment protocol for filling a vacant U.S. Senate seat grossly distorts that fundamental democratic process and tarnishes the public's trust in government. Filling an unexpected or unscheduled vacancy in the United States Senate should require special elections, not special favors. That's why it is time for Congress and State Legislatures across the country to change the process once and for all.

The House of Representatives uses special elections to fill their vacancies, and requiring the same process for the Senate is not just appropriate, it levelheaded and fair. Senators and Representatives may reside in different chambers, but they work for the same boss – the citizens of their state.

Amending the Constitution is a deliberately difficult task, as it should be. However, I am a strong advocate for people's rights, and properly revising the 17th Amendment will expand voter's rights and protect the integrity of the electoral process.

Since approval of the 17th Amendment in 1913, only two senators from Montana have been appointed to fill a vacant U.S. Senate seat – Senator John Erickson in 1933 and Senator Paul G. Hatfield in 1978. Neither was subsequently elected to the office when Montana voters were given the opportunity to make the choice.

While I adamantly support this amendment, I trust you understand that special elections do come at a cost to state and local governments. Every statewide election is costly, and here in Montana all 56 of our counties budget accordingly to administer a primary and general election every two years. Special elections may occur infrequently, but when they do happen, they will impose a large and unforeseen cost on our state.

As you consider this joint resolution, I urge that you also consider a means to assist states with the cost of administering these rare special statewide elections. As a former State Representative myself, I can assure you that such considerations will be well received by any state legislatures tasked with considering this constitutional amendment in the near future.

The American people should be able to confidently refer to Congress as a government 'of the people, by the people and for the people.' With so many demanding changes, perhaps it is time to answer the call.

###